

Committee Room,
Austin, Texas, Jan. 31, 1911.
Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on En-
grossed Bills have carefully examined
and compared

Committee Substitute for Senate
bills Nos. 10 and 86, A bill to be en-
titled "An Act to amend Article 21,
Title 4, of the Revised Civil Statutes
of Texas, and to amend an Act passed
by the Thirtieth Legislature creating
the Sixth Supreme Judicial District of
Texas, and to create the Seventh and
Eighth Supreme Judicial Districts of
Texas, and to provide for the organi-
zation of a Court of Civil Appeals
within the Seventh Supreme Judicial
District of Texas, and to provide for
the organization of a Court of Civil
Appeals within the Eighth Supreme
Judicial District of Texas, and re-
pealing all laws and parts of laws in
conflict therewith, and declaring an
emergency,"

And find the same correctly en-
grossed.

COFER, Chairman.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, Feb. 1, 1911.

The Senate met pursuant to ad-
journment, and was called to order
by Lieutenant Governor Davidson.

Roll called, quorum being present,
the following Senators answering to
their names:

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Real.

Prayer by the Chaplain.

Pending the reading of the Journal,
on motion the same was dispensed
with.

REGULAR ORDER.

See Appendix for petitions and
memorials and standing committee
reports.

HOUSE CONCURRENT RESOLU- TION NO. 22 REFERRED.

The Chair (Lieutenant Governor
Davidson) referred, after its caption
had been read, the following resolu-
tion:

House Concurrent Resolution No.
22, referred to Committee on Towns
and City Corporations.

SIMPLE RESOLUTION.

By Senator Meachum:

Be it Resolved by the Senate, That
an invitation to address the Senate
shall extend the privileges of the
floor to any person so invited for a
period of forty-eight hours there-
after, but not longer, and after the
expiration of forty-eight hours after
such invitation is extended, such
person so invited shall not be further
entitled to the privileges of the floor.

MEACHUM,
WATSON,
MAYFIELD.

The resolution was read and
adopted.

BILLS AND RESOLUTIONS.

By Senator Weinert:

Senate bill No. 167, A bill to be
entitled "An Act to amend Section
10, of Chapter 10, of the General
Laws of Texas as passed by the
Fourth Called Session of the Thirty-
first Legislature, entitled "An Act to
establish a prison system and declar-
ing the policy of the State with ref-
erence thereto; to provide for the
management and control of such
prison system; to provide for the
control, management and treatment
of all prisoners sentenced to the
penitentiary; to provide that pris-
oners and ex-prisoners, as herein de-
fined, shall be permitted to testify to
certain cases; to abolish the leasing
and hiring of State prisoners; to
provide rules and regulations for the
government of such prison system;
to provide for a Board of Prison
Commissioners; to provide for their
appointment and defining their pow-

ers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an Auditor, and prescribing his duties; to prescribe penalties for the violation of this Act; repealing Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this Act; and by adding to said Section 10, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14."

Read first time and referred to Committee on State Penitentiaries.

Morning call concluded.

(By unanimous consent.)

By Senators Hudspeth and Cofer:

Senate bill No. 168, A bill to be entitled "An Act to establish our State Correspondence School as now endowed by Miss Cooke."

Read first time and referred to Committee on State Affairs.

By Senator Terrell of McLennan:

Senate bill No. 169, A bill to be entitled "An Act conferring authority upon the Railroad Commission, and making it its duty to adopt all necessary rates, charges and regulations to govern and regulate wharf companies and terminal railroad companies; providing that all laws made and prescribed for the government and control of railroads shall, as far as applicable, be of equal force against such wharf and terminal companies, authorizing the Commission to require reports by such companies, and giving to said Commission power to correct abuses and prevent unjust discrimination and extortion in rates or charges of such companies; providing penalties for the violation of this act, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Hume:

Senate bill No. 170, "An Act to grant a charter to the city of Houston Heights and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

17-S.

(By unanimous consent and referred by Senator Hume.)

By Senators Greer, Terrell of McLennan and Adams:

Senate bill No. 171, A bill to be entitled "An Act to authorize the St. Louis, Southwestern Railway Company of Texas to purchase, own and operate as a part of its line, the railroad of the Stephenville, North and South Texas Railway Company, together with all the franchises and property incident or appertaining thereto; the railroad of the Eastern Texas Railway Company, together with all the franchises and property incident or appertaining thereto, or either of such railroads, together with its franchises and property incident or appertaining thereto; and to authorize the Stephenville, North and South Texas Railway Company and the Eastern Texas Railway Company, each, to sell its railroad, together with all the franchises and property incident or appertaining thereto to the said St. Louis, Southwestern Railway Company of Texas, and to authorize the latter company after such purchase of either of said railroads, to operate the same under its charter as part of its own line, and to extend the lines of roads so purchased and to construct branches therefrom by amendment to its charter under the General Laws of the State of Texas. And until such purchase is made, to authorize the lease by the St. Louis, Southwestern Railway Company of Texas of the railroads and other properties of the Stephenville, North and South Texas Railway Company for a term, or terms, not exceeding fifty years; and until such purchase is made, to authorize the St. Louis, Southwestern Railway Company of Texas to purchase and own the capital stock of the Stephenville, North and South Texas Railway Company, and to regulate the reports and operations of either of said railroads and property after the lease or purchase thereof; and to authorize each of said railway companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale, and declare an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Bryan:

Senate bill No. 172, A bill to be entitled "An Act creating a more effective road system for Scurry county, Texas."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Astin:

Senate Joint Resolution No. 4, a joint resolution proposing to amend Sections 10, 11 and 13 of Article 7 of the Constitution of the State of Texas relating to the University of Texas, and to amend said Article 7 of the Constitution by adding thereto a new section to be known as Section 13a; prescribing the character of securities in which the permanent University fund may be invested; separating the Agricultural and Mechanical College of Texas from the University of Texas, and providing for the transfer of bonds of the permanent University fund to the use of said college.

Read first time and referred to Committee on Constitutional Amendments.

SENATE BILL NO. 26—MADE SPECIAL ORDER.

On motion of Senator Watson, the pending order of business (House Joint Resolution No. 2) was suspended, and the Senate took up, out of its order, Senate bill No. 26, by the following vote:

Yeas—27.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hudspeth.	Vaughan.
Hume.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
McNealus.	Willacy.
Meachum.	

Absent.

Johnson.	Real.
Ratliff.	Sturgeon.

The chair laid before the Senate on second reading,

Senate bill No. 26, A bill to be entitled "An Act to provide additional compensation to all judges of district courts, district attorneys of the State of Texas, and to judges of the criminal district court of Harris and Galveston counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency."

Senator Watson moved that the bill be made a special order for next Tuesday morning, February 6, after the conclusion of the morning call.

The motion was adopted.

HOUSE JOINT RESOLUTION NO. 2.

The Chair laid before the Senate on third reading,

House Joint Resolution No. 2, joint resolution to be entitled "A resolution proposing to amend the Constitution of the State of Texas, by amending Article 16, Section 20, thereof by striking out and repealing said section, and substituting in lieu thereof a new Section 20, prohibiting the manufacture, sale, barter and exchange of intoxicating liquors, on and after the second Tuesday in January, A. D. 1912, within this State, except for medicinal, scientific and sacramental purposes, and providing that the Legislature of the State of Texas, shall at noon on the second Tuesday in January, A. D. 1912, by authority of this section, meet in session in the city of Austin and pass efficient laws to enforce this section; providing further, that this section shall not prevent any session of the Legislature from passing any law to enforce the same; and providing further, that all laws in force when this amendment is adopted, providing penalties or forfeitures in relation to the manufacture, sale or transportation of intoxicating liquors, shall remain in full force and effect until modified or repealed; fixing the time for the election for the adoption or rejection of said proposed Constitutional amendment, directing a proclamation therefor and making certain provisions for said election and the ballots thereof, and methods of voting; prescribing certain duties for the Governor of this State, and making an appropriation to defray the expenses of said election."

Senator Peeler offered the following amendment:

Amend House Joint Resolution No. 2 as amended by the Senator from Cooke, in lines 10, 11, 13, 14 and 16 of the written amendment wherever the words "for prohibition" or "against prohibition" appear by inserting in lieu thereof at the proper places the following, so as the ballot will read:

"For Statewide Prohibition," or "Against Statewide Prohibition."

PEELER,
WATSON,
HUDSPETH.

The amendment was read, and Senator Cofer moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—21.

Adams.	Meachum.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Nays—9.

Hudspeth.	Peeler.
Hume.	Watson.
Kauffman.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Real.

The resolution having been read, was finally passed by the following vote:

Yeas—22.

Adams.	Mayfield.
Astin.	McNealus.
Bryan.	Meachum.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Lattimore.	Townsend.

Vaughan.
Ward.

Warren.
Weinert.

Nays—6.

Hudspeth.	Paulus.
Hume.	Peeler.
Kauffman.	Watson.

Present—Not Voting.

Murray. Willacy.

Absent.

Real.

Senator Cofer moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

The Chair laid before the Senate the following message from the Governor, which was read:

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, Feb. 1, 1911.

To the Senate and House of Representatives.

The general appropriation bill passed by the First Called Session of the Thirty-first Legislature contains an item in the appropriation for the Attorney General's Department which reads as follows:

"For the enforcement of anti-trust laws and laws concerning corporations, and procuring evidence, and conducting and prosecuting suits by the Attorney General and special counsel to be employed under the direction of the Governor, to be paid out on warrants issued by the Comptroller ordered by the Governor and Attorney General, to be expended in two years, \$10,000."

There remains unexpended of this appropriation the sum of \$7,840. Out of this money one of the stenographers of the Attorney General's Department has received his salary on the approval of the Governor.

Section 1, Chapter 21, of the General Laws of Texas, passed by the Thirty-first Legislature and approved April 20, 1909, reads as follows:

"For the purpose of enforcing any and all laws of the State of Texas, and for the purpose of paying any and all necessary expenses in bringing suits or paying expenses in prosecuting same, there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of \$25,000 or so much thereof as may be necessary, to be expended under the direction of the Attorney General by and with the approval of the Governor, and to be paid upon warrants drawn by the Comptroller of Public Accounts on vouchers approved by the Attorney General."

There remains of this \$25,000 as above appropriated the sum of \$5,519.88 unexpended in the State Treasury. Another stenographer has been employed by the Attorney General's Department and paid out of said appropriation.

I quote the following from Article 8, of the State Constitution:

Section 6. "No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law."

The regular appropriation bill provides for salaries for two stenographers, and specific appropriations to pay same are made. Two other stenographers, as above stated, have been employed and paid out of the appropriations already mentioned. It has been my experience that a lawyer or State official can do twice as much work with a competent stenographer to assist him as he can do without such help, but all expenditures, in my opinion, of public money should be as provided by the Constitution in pursuance of specific appropriations made.

The Governor's office also receives many complaints from various Confederate pensioners of delay in receiving their pension warrants.

The appropriation for a clerk and stenographer for the Pension Commissioner expired with December 31, 1910.

I recommend the immediate passage of an appropriation of \$200 per month for the remainder of the fiscal year ending August 31, 1911, from February to August, both inclusive, to pay the salaries of the two extra stenographers now employed in the Attorney General's office, and \$100 per month for the remainder of the fiscal year, February to August, both months inclusive, to pay clerk and

stenographer to assist the Pension Commissioner.

Respectfully submitted,

O. B. COLQUITT,

Governor.

SIMPLE RESOLUTION.

By Senators Bryan and Hudspeth: Whereas, The Hon. J. T. Cunningham, a noted legislator of several years standing, doing valiant service for the good people of his State, is in the gallery;

Resolved, That he be invited to address this body.

The resolution was read and adopted.

The Chair appointed Senators Bryan, Johnson and Hudspeth as a committee to escort Mr. Cunningham to the President's stand.

REFUSED TO TAKE UP BILL.

Senator Carter moved to suspend pending business and take up Senate bill No. 141, but the point of order was made on the bill that it was not entirely a local bill. The point of order was sustained by the Chair.

SENATE BILL NOS. 141 AND 142 RECOMMITTED.

Senator Hudspeth moved that Senate bills Nos. 141 and 142 be recalled and recommitted to Committee on Judicial Districts.

The motion was adopted.

RECESS.

On motion of Senator Terrell of Wise, the Senate, at 12:30 o'clock, recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Hudspeth, and Lieutenant Governor Davidson took the chair.

SENATE BILL NO. 36.

On motion of Senator Sturgeon, the pending order of business (simple resolutions) was suspended, and the Senate took up, out of its order, Senate bill No. 36, by the following vote:

Yeas—23.

Astin.	Peeler.
Carter.	Perkins.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Adams.	Meachum.
Bryan.	Ratliff.
Greer.	Real.
Kauffman.	Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 36, A bill to be entitled "An Act to amend Section 24, of Article 642, Title 21, Chapter 2, of the Revised Statutes of the State of Texas, providing for the creation of corporations for the purchase and sale of goods, wares, merchandise and agricultural and farm products, so that said section shall also include creation of such corporations for the purpose of gathering and preparing such products for the market, and the purchase, sale and disposal of machinery, appliances and tools of use in connection therewith, and declaring an emergency."

Senator Sturgeon offered the following amendment:

Amend the bill, line 21, page 1, by adding after the word "therewith" the following: "Provided that the authorized capital stock of incorporations authorized by this article shall not exceed \$250,000."

Senator Warren offered the following amendment to the amendment:

Amend the amendment by striking out thereof the word "article," and insert in lieu thereof the word "section."

The amendment to the amendment was adopted, and the amendment as amended was adopted.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "of" in line 21, page 1 of the printed bill, and insert the word "for."

Senator Murray offered the following amendment:

Amend the bill by striking out all of Section 1 after the word "products," in lines 18 and 19, and insert the following:

"And the purchasing of machinery, appliances and tools, and to use such machinery, appliances and tools in the gathering and preparing of farm products for the market."

MURRAY,

MAYFIELD.

(Senator Hume in the chair.)

Pending discussion, Senator Sturgeon moved to table the amendment, which motion to table prevailed.

Senator Murray made a point of order on the bill, that it was not properly before the Senate in accordance with Article 3, Section 36 of the Constitution.

The Chair, Senator Hume, overruled the point of order.

Senator Cofer moved the previous question on the bill, the same being duly seconded, was so ordered.

Bill read second time, and ordered engrossed.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—3.

Collins.	Paulus.
Greer.	

Present—Not Voting.

McNealus.

Absent.

Real. Weinert.
Vaughan.

The bill was read third time and passed by the following vote:

Yeas—18.

Adams.	Perkins.
Astin.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Ward.
Kauffman.	Warren.
Meachum.	Watson.
Peeler.	Willacy.

Nays—9.

Carter.	Mayfield.
Collins.	Murray.
Greer.	Paulus.
Hume.	Townsend.
Lattimore.	

Present—Not Voting.

McNealus.

Absent.

Real. Weinert.
Vaughan.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 88.

On motion of Senator Johnson, the pending order of business (simple resolutions) was suspended, and the Senate took up, out of its order, Senate bill No. 88, by the following vote:

Yeas—28.

Adams.	Johnson.
Astin.	Kauffman.
Bryan.	Lattimore.
Carter.	Mayfield.
Cofer.	McNealus.
Collins.	Meachum.
Greer.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.

Perkins.	Townsend.
Ratliff.	Ward.
Sturgeon.	Warren.
Terrell, McLennan.	Watson.
Terrell, Wise.	Willacy.

Absent.

Real. Weinert.
Vaughan.

The Chair laid before the Senate on second reading,

Senate bill No. 88, A bill to be entitled "An Act creating the Electra Independent School District in Wichita county, Texas, and to provide for the election of trustees, raising revenue by taxation, issuing bonds, building school houses and maintaining public free schools therein, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Willacy.
Meachum.	

Absent.

Greer. Vaughan.
Real. Weinert.

The bill was read third time and passed by the following vote:

Yeas—26.

Adams.	Carter.
Astin.	Cofer.
Bryan.	Hudspeth.

Hume.	Perkins.
Johnson.	Ratliff.
Kauffman.	Terrell, McLennan.
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
McNealus.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Absent.

Collins.	Sturgeon.
Greer.	Vaughan.
Real.	

Senator Johnson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 68.

On motion of Senator Terrell of Wise the pending order of business (simple resolutions) was suspended, and the Senate took up, out of its order, Senate bill No. 68, by the following vote:

Yeas—25.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Sturgeon.
Creer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Ward.
Kauffman.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Paulus.	

Nays—2.

Lattimore.	Murray.
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Present—Not Voting.

Cofer.

Absent.

Collins.	Vaughan.
Real.	

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

House bill No. 89, A bill to be entitled "An Act to confer upon the county court of Jasper county the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas, to define the jurisdiction of said court, to conform the jurisdiction of the District Court of said county to said change, to fix the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

Respectfully,

O. P. BASFORD,

Acting Chief Clerk, House of Rep-
resentatives.

BILL READ AND REFERRED.

The Chair (Senator Hume) had referred, after its caption had been read, the following House bill:

House bill No. 89, referred to Committee on Judicial Districts.

SENATE BILL NO. 68.

The Chair laid before the Senate
on second reading

Senate bill No. 68, A bill to be entitled "An Act to amend Section 129, Acts of the Twenty-ninth Legislature of Texas, relating to the scholastic age, and to amend Section 89, Chapter 124, of the Acts of the Twenty-ninth Legislature relating to the scholastic census, and declaring an emergency."

Senator Meachum moved the previous question on the engrossment of the bill, the same being seconded, was so ordered.

Bill read second time and ordered engrossed.

On motion of Senator Terrell of Wise, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Willacy.

Nays—2.

Paulus.	Weinert.
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Absent.

Murray.	Vaughan.
Real.	

The bill was read third time and passed by the following vote:

Yeas—26.

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Willacy.

Nays—2.

Paulus.	Weinert.
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Absent.

Murray.	Vaughan.
Real.	

Senator Terrell of Wise moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Warren:
Resolved, That whereas, a number of Senators are to leave Austin to-day and tonight for the purpose of

visiting the various State institutions, in obedience to recent committee appointments; that during the absence of said committees no bills or measures shall be considered except those of a local character, provided that such protection shall not extend beyond next Tuesday morning.

The resolution was adopted.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bills:

Senate bill No. 61, "An Act to amend Chapter 164 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, approved May 1, 1905, relating to a system of State, county and city depositories for State, county and city funds, as amended by Chapter 90, General Laws of the State of Texas, passed at the Regular Session of the Thirtieth Legislature, and approved April 12, 1907; also relating to the same subject, so as to further define what banks or banking institutions may become State depositories, and providing for the advertising of bids for the safekeeping and the payment of the deposits of said funds; and further regulating such depositories, repealing all laws in conflict with this Act, and declaring an emergency."

ADJOURNMENT.

Senator Meachum, at 6:10 o'clock p. m., moved that the Senate adjourn until 10 o'clock Saturday morning.

The motion was adopted.

REASONS FOR VOTING.

I vote "nay" as to adjournment until Saturday morning.

TOWNSEND.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Johnson:

Petition numerously signed by citizens of Wichita county asking support of an Act creating the office of State Inspector of Masonry.

By Senator Hudspeth:

Copy of a resolution passed by the Board of Directors of the San Antonio Chamber of Commerce calling attention to the depredation of wild animals on live stock and poultry and asking the Governor and the Legislature for a county law to exterminate wild animals, attested by John B. Carrington, Secretary.

By Senator Greer:

Petition numerously signed by citizens of his district asking support of the following Senate bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so-called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specially defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator McNealus:

Petition numerously signed by members of the Dallas bar requesting support of a bill to create a new Criminal District Court for Dallas county.

By Senator Vaughan:

Petition numerously signed by voters of Franklin and Titus counties requesting that Franklin county be permitted to remain a part of the Fifth Judicial District.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 59, A bill to be entitled "An Act to prohibit the operation of street cars and interurban cars, unless such cars are provided with screens or vestibules which will protect the motormen, gripmen or other operators of such cars from inclement weather, from the first day of November until the 15th day of March of each year; to provide penalties for violation of this Act, and

fees and commissions for attorneys bringing suit, and to fix venue for such suits."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

KAUFFMAN, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Internal Improvements, to whom was referred

Senate bill No. 21, A bill to be entitled "An Act to regulate the running of street cars; to provide for good, comfortable vestibules for the protection of the motorman; to provide for running a closed car at certain times of the year; to provide for the use of only such cars as have an aisle through the center; to provide for the use of air brakes on all cars weighing ten tons or more; to make the violation of the provisions of this Act an offense, and to fix a penalty therefor, and to repeal all laws in conflict herewith."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

KAUFFMAN, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Internal Improvements, to whom was referred

Senate bill No. 21, A bill to be entitled "An Act to regulate the running of street cars; to provide for good, comfortable vestibules for the protection of the motorman; to provide for running a closed car at certain times of the year; to provide for the use of only such cars as have an aisle through the center; to provide for the use of air brakes on all cars weighing ten tons or more; to make the violations of the provisions of this Act an offense, and to fix a penalty therefor, and to repeal all laws in conflict herewith."

Have had the same under consider-

ation, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

But substitute the following committee substitute bill in lieu thereof, and recommend that it do pass.

Collins, McNealus, Vaughan, Carter.

A bill to be entitled

"An Act to prohibit the operation of street cars and interurban cars unless such cars are provided with screens or vestibules which will protect the motormen, gripmen or other operators of such cars from inclement weather, from the first day of November until the fifteenth day of March of each year; to provide for the running of closed cars at certain times of the year; to provide for the use of only such cars as have an aisle through the center; to provide for the use of air brakes on all cars weighing ten tons or more; and repealing all laws in conflict herewith; to provide penalties for violation of this Act, and fees and commissions for attorneys bringing suits; and to fix venue for such suits."

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the first day of November, A. D. 1911, it shall be unlawful for any person, firm, association of persons, corporation or receiver, operating street cars or interurban cars within this State, without regard to the motive power employed in the operation of such cars, to operate or permit to be operated any street or interurban car, other than trail cars attached to motor cars, owned, used or controlled by such person, firm, association of persons, corporation or receiver during the period of time beginning on the first day of November of each year and ending on the fifteenth day of March of the following year, unless the end of such car on which the motorman, gripman or other operator of such car is required to stand or sit while operating such car is inclosed with a screen or vestibule which shall fully protect such motorman, gripman or other operator from inclement weather, that such screen or vestibule shall be constructed so as not to in any manner obstruct the view of the motorman or gripman; provided that, when excursionists are visiting in any city in which street cars are operated, summer or open cars not provided with such screens or vestibules may be

operated as specials in conveying such excursionists over such city between the hours of nine o'clock a. m. and five o'clock p. m.

Sec. 2. That after the first day of November, 1911, no person, firm, association of persons, corporation or receiver, shall operate any car in this State requiring a conductor for the transportation of passengers, which is not provided with an aisle through the center of the car from end to end of such width as to be a convenient passage for the conductor back and forth through the car for the collection of fares or other purposes.

Sec. 3. That hereafter no person, firm, association of persons, corporation or receiver, shall operate between the first day of November and the fifteenth day of March following, any car for the transportation of passengers, which is not closed on the sides and provided with such sliding windows as may be necessary to adjust the temperature of the car.

Sec. 4. That after the first day of November, 1911, no person, firm, association of persons, corporation or receiver, shall operate any car in this State, weighing ten tons or more, and requiring the services of a motorman for the transportation of passengers, which car is not equipped and provided with air brakes for the safe handling of same.

Sec. 5. Any person, firm, association of persons, corporation or receiver, operating street cars or interurban cars within this State who shall operate or permit to be operated any street car or interurban car in violation of the terms of this Act, shall forfeit and pay to the county in which such suit is brought not less than one hundred nor more than one thousand dollars for each and every such offense; and every day upon which any such car may be operated in violation of this Act, shall constitute a separate offense, and when more than one such car is operated in violation of the terms of this Act upon any one day, then the unlawful operation of each of such cars shall constitute a separate offense.

Sec. 6. The penalty above provided shall be recoverable in a suit brought therefor in the District Court of the county in which the offense is committed, and such suit

may be brought by the county or district attorney of the county in which the offense is committed, and the attorney bringing such suit shall be entitled to a fee of fifty dollars, when judgment for a penalty is obtained and collected, together with a commission of ten per cent upon the amount collected, to be paid by the county where said penalties are recovered. All penalties so received shall be paid into the county treasury of such county where said penalties are recovered, after deducting the above commission

Sec. 7. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 4, providing for the amendment of Section 1 of Article 8 of the Constitution of the State of Texas, providing that by majority vote counties and cities may exempt factories from local taxation for a period of fifteen years.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TERRELL of McLennan,

Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 5, A resolution to amend Section 3 of Article 7 of the Constitution of the State of Texas in regard to the taxing power of school districts, incorporated cities and towns and counties."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TERRELL of McLennan,
Chairman.

(Floor Report.)

(By Unanimous Consent.)

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 163, A bill to be entitled "An Act to create and establish a Criminal Court in and for Harris county, Texas, and create a separate Criminal Judicial District to be composed of Harris county, Texas, to provide for the election, qualification, jurisdiction, duties, powers and compensation of the judge and clerk of said Criminal District Court, and to provide for the election, qualification, powers and compensation of a district attorney for said criminal district of Harris county, to provide for the appointment, qualification, powers, duties and compensation of assistant district attorneys for said criminal district, to provide for the appointment, powers, duties and compensation of deputy criminal district clerk, abolishing the criminal district court of Galveston and Harris counties in so far as the same embraces the county of Galveston, and giving and restoring to the district and county courts of Galveston county jurisdiction of felony cases and misdemeanor cases, and providing for the transfer of cases from the criminal district court of Galveston county to the district and county courts of said county, and to fix the terms of the criminal and district court of Harris county, and repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and we beg leave to report same back to the Senate with the recommendation that it do pass.

Hudspeth, Chairman; Watson, Hume, Paulus, Kauffman, Weinert, Carter, McNealus, Murray, Meachum, Peeler.

(Floor Report.)

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 141, A bill to be entitled "An Act to reorganize the Sec-

ond and Fourth Judicial Districts and to create the Seventy-first Judicial District, and to fix the time of holding court in said districts, and to fix the jurisdiction of the court of said Seventy-first Judicial District, and to provide for the appointment of a judge of said Seventy-first District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Murray, Paulus, Kauffman, Meachum, Peeler, Watson, McNealus, Carter.

(Floor Report.)

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 142, A bill to be entitled "An Act to diminish the civil jurisdiction of the county court of Harris county, to conform the jurisdiction of the district court thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Murray, Paulus, Kauffman, Meachum, Peeler, Watson, McNealus, Carter.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 141, A bill to be entitled "An Act to reorganize the Second and Fourth Judicial Districts and to create the Seventy-first Judicial District of the State of Texas, and to fix a time of holding courts in said districts and to fix the jurisdiction of the court for said Seventy-first Judicial District, and to provide for the appointment of a judge of said Seventy-first Judicial District and to repeal all laws in conflict herewith, and declaring an emergency."

Beg leave to report same back to the Senate, with recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 142, A bill to be entitled "An Act to diminish the Civil Jurisdiction of the county court of Harrison county, to conform to the jurisdiction of the district court thereof, and to repeal all laws in conflict herewith, and declaring an emergency,"

Beg leave to report same back to the Senate, with recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 92, A bill to be entitled "An Act to amend Chapter 69 and Chapter 124 of the Acts of the Regular Session of the Thirtieth Legislature of the State of Texas, as amended by the Second Called Session of the Thirty-first Legislature; said amended Act being known as Chapter 18, and approved May 12, 1909, transferring the county of Bee from the Twenty-fourth Judicial District to the Thirty-sixth Judicial District, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts, and declaring an emergency,"

Beg leave to report same back to the Senate, with the recommendation that it do pass, but be not printed.

HUDSPETH, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 37, A bill to be entitled "An Act to require the owners and operators of mines in Texas to insulate or protect live electric wires so that persons or animals coming in contact with same shall not be in-

jured, and to provide a penalty for such neglect."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend Section 1 by striking out the following words, beginning of section: "That three months after the passage of this Act," and insert the following: "That from and after September 1, 1911."

Amend bill by inserting after the word "hung," Section 1, in the third line from the last of said Section 1 the word "kept."

Amend the caption by inserting after the word "injured," line 4, the following: "Providing for exemptions to certain provisions of this Act." To amend bill, page 1, after Section 1, strike out the period after the word "height," and insert the following:

"Where there is sufficient height in existing entries to permit this, but where sufficient height is not available in existing entries, then the trolley wires shall be placed to one side of the entry, six inches outside the rail, and in all such cases the trolley wire shall be placed on the side of the entry opposite from the working rooms; provided where it is impracticable in existing entries to place trolley wires six inches outside of the rail, or five feet, six inches high, and where separate travel way is not provided, then the trolley wire shall be safely shielded; and it is further provided that this Act shall not apply to entries that are not used as travel ways for workmen or work animals."

PAULUS, Chairman.

(Minority Report.)

(By Unanimous Consent.)

Committee Room,
Austin, Texas, Feb. 1, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 148, A bill to be entitled "An Act to provide that immaterial error and errors not excepted to at the time committed on the trial of the criminal actions shall not be ground for new trial nor for reversal on appeal, and to repeal all

laws and parts of laws in conflict with this Act."

Have had the same under consideration, and I beg to report it back to the Senate with the recommendation that it do not pass.

Meachum, Peeler, Watson.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 1, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 148, A bill to be entitled "An Act to provide that immaterial error and errors not excepted to at the time committed on the trial of the criminal actions shall not be ground for new trial not for reversal on appeal, and to repeal all laws and parts of laws in conflict with this Act."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

(Majority Report.)

(By Unanimous Consent.)

Committee Room,
Austin, Texas, Feb. 1, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act in regard to Appellate Procedure in civil and criminal cases, prescribing the circumstances under which a judgment appealed from may be reversed, set aside for a new trial granted by the appellate courts of this State; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 1, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act in regard to Appellate procedure in civil and criminal cases, prescribing the circumstances under which a judgment appealed from may be reversed, set aside for a new trial granted by the appellate courts of this State; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass.

Meachum, Peeler, Watson, Hume.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 165, A bill to be entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of the State of Texas, and for the appointment of the members of said commission to be known as 'The Commissioners for the Revision and Reform of the Laws of Texas,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary and stenographer, to appropriate money therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 61, A bill to be entitled "An Act to amend Chapter 164 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, approved May 1, 1905, relating to a system of State, County and City depositories for State, County and City funds, as amended by Chapter 90, General Laws of the State of Texas, passed at the Regular Session

of the Thirtieth Legislature, and approved April 12, 1907, also relating to the same subject; so as to further define what banks or banking institutions may become State depositories, and providing for advertising of bids for the safe keeping and the payment of the deposits of said funds; repealing all laws in conflict with this Act, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 3:20 o'clock p. m., presented same to the Governor for his approval.

RATLIFF, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 79, A bill to be entitled "An Act to provide for the establishment, organization and control of public high schools in the common school districts of Texas, making an appropriation for the teaching of agriculture, domestic economy and manual training in said high schools and in certain high schools already established, and declaring an emergency,"

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 120, A bill to be entitled "An Act prohibiting the promiscuous use of a common drinking cup, glass or other vessel for water drinking purposes on railway trains, in railway stations, in schools, churches, theatres or any other public place where people are accustomed to drink water, and also prohibiting any person, firm or corporation or their agents or employees in control or charge of, or employed in connection with any railway train or station, any school or church or the premises adjacent to or connected with either thereof, or any other public place where people are accustomed to drink water from furnishing or knowingly permitting to be furnished any common drinking cup, glass or other vessel for promiscuous

use, and further requiring that a warning card board be posted in a conspicuous place by the drinking fountain in the passenger cars of all railway trains in this State and in all railway stations cautioning against the dangers of drinking cups and commending the advisability of providing cups for individual use, and providing and fixing a penalty for violation of any provisions of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

Senate bill No. 151, A bill to be entitled "An Act to regulate the practice of veterinary medicine, surgery and dentistry, creating a board for the examination of applicants for the practice of veterinary medicine, surgery and dentistry, prescribing their powers, duties and qualifications, said board to be known as the 'State Board of Veterinary Medical Examiners,' prescribing penalties for a violation of the provisions of this Act, and declaring an emergency,"

Have had the same under consideration, and I am directed to report same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

FIFTEENTH DAY.

Senate Chamber,

Austin, Texas,

Saturday, Feb. 4, 1911.

The Senate met pursuant to adjournment, President Pro Tem Hudspeth presiding.

Roll call, no quorum being present, the following Senators answering to their names:

Adams.	Terrell, McLennan.
Carter.	Townsend.
Hudspeth.	Vaughan.
McNealus.	Watson.

Absent.

Astin.	Cofer.
Bryan.	Collins.

Greer.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
Meachum.
Murray.
Paulus.
Peeler.

Perkins.
Ratliff.
Real.
Sturgeon.
Terrell, Wise.
Ward.
Warren.
Weinert.
Willacy.

ADJOURNMENT.

There being no quorum present, on motion of Senator Terrell of McLennan the Senate adjourned until 10:00 o'clock Monday morning.

SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, Feb. 6, 1911.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Hudspeth.

Roll called, quorum being present, the following Senators answering to their names:

Adams.
Bryan.
Carter.
Greer.
Hudspeth.
Hume.
Lattimore.
Mayfield.
McNealus.
Murray.
Peeler.

Perkins.
Ratliff.
Real.
Terrell, McLennan.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Willacy.

Absent.

Astin.
Cofer.
Collins.
Johnson.
Kauffman.

Meachum.
Paulus.
Sturgeon.
Watson.
Weinert.

Prayer by the Chaplain.

Pending the reading of the Journal of Saturday, on motion of Senator Perkins the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business. See Appendix for committee reports and petitions and memorials